

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV466147798US, in an envelope addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 25, 2005

Signature: 

(Danielle L. Herritt)

Rec'd PCT/PTO 25 JUL 2005 #9

Docket No.: ISI-003US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Alexander M. Korsunsky

Application No.: 10/502,432

International Filing Date: January 24, 2003

For: X-RAY DIFFRACTION METHOD

Confirmation No.: 8126

Art Unit: N/A

Examiner: Barbara Campbell

**SUPPLEMENTAL RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371, mailed February 28, 2005 from the U.S. Patent and Trademark Office, the Applicant had previously submitted a copy of the executed declaration as filed in the corresponding International patent application. The declaration, however, was deemed to not comply with the requirements of 37 C.F.R. §1.497(a) and (b), as indicated in the Decision on Petition under 37 C.F.R. §1.181, mailed from the U.S. Patent and Trademark Office on June 7, 2005. In particular, the Decision on Petition stated that the declaration must identify the International application by its application number and filing date.

Accordingly, Applicant now submits a newly executed Declaration, Petition and Power of Attorney, which identifies the International application by its application number and filing date.

Applicant also submits a Petition for a Three Month Extension of Time to respond to the Notice of Missing Requirements dated February 28, 2005.

Please charge our Deposit Account No. 12-0080 in the amount of \$1,150.00 (\$1,020.00 extension fee; and \$130.00 surcharge) covering the fees set forth in 37 CFR 1.17(a)(3) and 1.16(f). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. ISI-003US.

Dated: July 25, 2005

Respectfully submitted,

By 

Danielle L. Herritt
Registration No.: 43,670
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Attorney/Agent For Applicant

Rec'd PCT/PTO 25 JUL 2005

Application No. (if known): 10/502432

Attorney Docket No.: ISI-003US

Certificate of Express Mailing Under 37 CFR 1.10

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MS PCT
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Alexandria, VA 22313-1450

on July 25, 2005
Date



Signature

Danielle L. Herritt

Typed or printed name of person signing Certificate

43,670
Registration Number, if applicable

(617) 227-7400
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Form to the U.S. Designated-Elected Office (2 pages)
Fee Transmittal (1 page) in duplicate
Petition for Extension of Time (1 page)
Copy of Notice to File Missing Requirements (2 pages)
Supplemental Response to Notice to File Missing Requirements (2 pages)
Executed Oath or declaration of inventor (4 pages)
Return Receipt Postcard
Charge \$1,150.00 to deposit account no 12-0080

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER ISI-003US
INTERNATIONAL APPLICATION NO. PCT/GB03/00283		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/502432
INTERNATIONAL FILING DATE 24 January 2003		PRIORITY DATE CLAIMED 25 January 2002
TITLE OF INVENTION X-RAY DIFFRACTION METHOD		
APPLICANT(S) FOR DO/EO/US Alexander M. KORSUNSKY		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). (EXECUTED)
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Supplemental Response to Notice of Missing Requirements; Petition for Extension of Time; Fee Transmittal Form; Copy of Notice; and Return Receipt Postcard

RECEIVED
 1 JUL 2005
 Legal Staff
 International Division

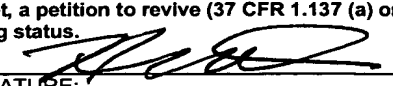
Rec'd PCI/PTO 25 JUL 2005

PTO-1390 (Rev. 02-2005)

Approved for use through 03/31/2007. OMB 0651-0021

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/502432		INTERNATIONAL APPLICATION NO. PCT/GB03/00283		ATTORNEY'S DOCKET NUMBER ISI-003US	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee\$300				\$	
22. <input type="checkbox"/> Examination fee					
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)\$100					
All other situations\$200				\$	
23. <input type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority\$100					
International Search Report prepared and provided to the Office\$400				\$	
All other situations\$500				\$	
TOTAL OF 21, 22 and 23 =				\$	0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x	\$	
Independent claims	- 3 =		x	\$	
MULTIPLE DEPENDENT CLAIM(s) (if applicable)				\$	
TOTAL OF ABOVE CALCULATIONS =				\$	130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				\$	
SUBTOTAL =				\$	130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$
Processing fee of \$1,020.00 for Three Month Extension of Time				+	\$ 1,020.00
TOTAL NATIONAL FEE =				\$	1,150.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$	1,150.00
				Amount to be refunded:	\$
				Amount to be charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>12-0080</u> in the amount of \$ <u>1,150.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>12-0080</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: Giulio A. DeConti, Jr. LAHIVE & COCKFIELD, LLP 28 State Street Boston, Massachusetts 02109 (617) 227-7400 CUSTOMER NUMBER: 00959</p> <p style="text-align: right;">SIGNATURE: <u></u> NAME: <u>Danielle L. Herritt</u> REGISTRATION NUMBER: <u>43,670</u></p>					

07/29/2005 L ANDERGA 00000034 120080 10502432

01 FC:1617 130.00 DA

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2005</h3>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/502432-Conf. #8126
		Filing Date	July 22, 2004
		First Named Inventor	Alexander M. KORSUNSKY
		Examiner Name	Barbara Campbell
		Art Unit	N/A
TOTAL AMOUNT OF PAYMENT (\$) 1,150.00		Attorney Docket No.	ISI-003US

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 12-0080 Deposit Account Name: Lahive & Cockfield, LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fees Paid (\$)
		Fee (\$)		Fee (\$)		Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
2. EXCESS CLAIM FEES							
Fee Description	Small Entity	Fee (\$)	Fee (\$)				
Each independent claim over 20 (including Reissues)	100	50	25				
Each independent claim over 3 (including Reissues)	200	100	100				
Multiple dependent claims	360	180					
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims			
_____ - 20 = _____	x _____	= _____		Fee (\$)	Fee Paid (\$)		
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)				
_____ - 3 = _____	x _____	= _____					
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)			
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____	= _____				
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1253 Extension for response within third month				1,020.00			
1051 Surcharge-Late oath or declaration				130.00			

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	43,670
Name (Print/Type)	Danielle L. Herritt	Telephone	(617) 227-7400
		Date	July 25, 2005

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Dated: July 25, 2005	Signature: (Danielle L. Herritt)



COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

25 JUL 2005

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/502,432	Alexander M Korsunsky	ISI-003US

INTERNATIONAL APPLICATION NO.

PCT/GB03/00283

I.A. FILING DATE

PRIORITY DATE

01/24/2003

01/25/2002

00959

LAHIVE & COCKFIELD, LLP.
 28 STATE STREET
 BOSTON, MA 02109

ENTERED

DOCKETED

April 28, 2005 Missing Req.
Sept 28, 2005 Esp w/SEA

CONFIRMATION NO. 8126

371 FORMALITIES LETTER



OC000000015257608

Date Mailed: 02/28/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/22/2004
- Copy of the International Search Report filed on 07/22/2004
- Preliminary Amendments filed on 07/22/2004
- Information Disclosure Statements filed on 07/22/2004
- Oath or Declaration filed on 07/22/2004
- Request for Immediate Examination filed on 07/22/2004
- U.S. Basic National Fees filed on 07/22/2004
- Priority Documents filed on 07/22/2004

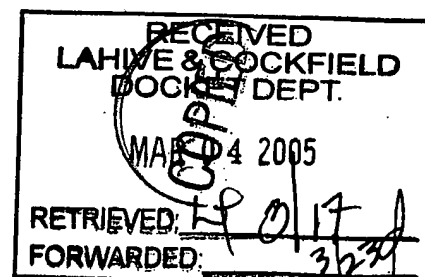
The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - does not identify the application to which it is directed.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.



COPY

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/502,432	PCT/GB03/00283	ISI-003US

FORM PCT/DO/EO/905 (371 Formalities Notice)